



Docket No.
461391/0036

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **Ernest R. Fernandez, et al.**

Group Art Unit: **2873**

Application No.: **10/529,973**

Examiner: **Huy Kim Mai**

Filed: **March 31, 2005**

For: **EYECUP FOR GLASSES**

Date: **May 25, 2006**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Information Disclosure Statement by Applicant form (PTO/SB/08A and/or B, PTO-1449, or equivalent).

The following checked sections apply to this Information Disclosure Statement:

- ☒ In accordance with 37 C.F.R. § 1.98(a)(2)(ii) as revised at 69 Fed. Reg. 56481 (September 21, 2004), copies of the cited U.S. patent application publication(s) and/or U.S. patent(s) have not been submitted.
- ☐ The cited reference(s) were called to Applicant(s) attention in a counterpart foreign patent application. A copy of the official communication in that counterpart foreign patent application citing the reference(s) is submitted herewith, and the Examiner is respectfully directed thereto for a concise explanation of the relevance of the cited art.
- ☐ At least some of the cited references are not (or the cited reference is not) in English, and so English abstracts of those references (that reference) are provided, if available.
- ☐ At least some of the cited references are not (or the cited reference is not) in English, and so machine English translations of those references (that reference) are provided, where available.
- ☒ This Information Disclosure Statement is being filed (1) within three months of the filing date of a national application other than a continued prosecution application under Sec. 1.53(d), (2) within three months of the date of entry of the national stage as set forth in Sec. 1.491 in an international application, (3) before the mailing of a first Office action on the merits, or (4) before the mailing of a first Office action after the filing of a Request

for Continued Examination under 37 C.F.R. § 1.114. Accordingly, neither a fee nor Statement under 37 C.F.R. § 1.97(e) is due.

- ☐ This Information Disclosure Statement is being filed before the mailing date of any of a final action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application, and so is accompanied by one of:

(1) A Statement under 37 C.F.R. § 1.97(e), which follows; or

(2) The fee set forth in 37 C.F.R. § 1.17(p), authorization for which follows.

- ☐ This Information Disclosure Statement is being filed on or before payment of the issue fee and is accompanied by:

(1) A Statement under 37 C.F.R. § 1.97(e), which follows; and

(2) The fee set forth in 37 C.F.R. § 1.17(p), authorization for which follows.

- ☐ Fee Under 37 C.F.R. § 1.17(p)

The Commissioner is authorized to charge the fee under 37 C.F.R. § 1.17(p) (\$180) to Deposit Account No. 19-4709.

- ☐ Statement Under 37 C.F.R. § 1.97(e)

Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in Sec. 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

- ☐ Additional Comments

Applicant(s) have the following additional comments:

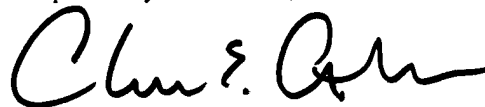
U.S. Patent Appln. No. 10/529,973
Information Disclosure Statement
Filed May 25, 2006

It is respectfully requested that the above information be considered by the Examiner and that an initialed copy of the accompanying Information Disclosure Statement by Applicant form (PTO/SB/08A and/or B, PTO-1449, or equivalent) be returned to the undersigned indicating that such information has been considered.

Other than any fees mentioned above, no fees are believed to be due in connection with this Information Disclosure Statement. Nevertheless, the Commissioner is authorized to charge any fees which are deemed to be now or hereafter due in connection with this paper to Deposit Account No. 19-4709.

Favorable consideration and prompt allowance of this application is respectfully requested. In the event that there are any questions, or should additional information be required, please contact Applicant(s) attorney at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles E. Cantine".

Charles E. Cantine, Reg. No. 43,531 for:

Steven B. Pokotilow

Reg. No. 26,405

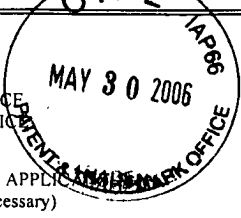
Attorney for Applicant(s)

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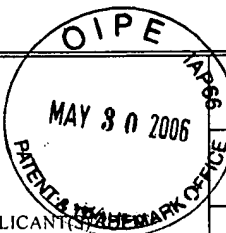
(212) 806-5400

FORM PTO 1449 (modified)				ATTY DOCKET NO. 461391/0036		APPLICATION NO. 10/529,973	
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)				APPLICANT Ernest R. Fernandez, et al.			
				FILING DATE March 31, 2005		GROUP 2873	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6,233,342	15 May 2001	Fernandez	381	62	29 June 2000
		6,067,196	June 2000	Masumoto	2	436	
		6,062,688	16 May 2000	Vinas, Joseph F.	351	47	4 Aug 1998
		6,050,684	April 2000	Mage	351	62	28 Jan 1999
		D 428,913	1 Aug 2000	Kopfer	D16	326	24 Nov 1999
		D 402,681	15 Dec 1998	MacWilliamson	D16	327	22 Jul 1997
		5,802,622	Sept 1998	Baharad et al.	2	436	29 Apr 1997
		5,428,411	27 Jun 1995	Kopfer	351	62	8 Jan 1993
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO/ OR ABSTRACT
		JP 4-75019	March 1992	Japan			
		56-133716	20 Oct 1981	Japan (English Abstract)			
		2,130,907	10 Nov 1972	France			
		364,970	16 Feb 1931	United Kingdom			
		127,410	30 May 1918	United Kingdom			
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER					DATE CONSIDERED		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		D 339,596	21 Sep 1993	Kopfer	D16	102	25 June 1991
		5,191,364	2 Mar 1993	Kopfer	351	62	23 Oct 1990
		5,018,223	28 May 1991	Dawson et al.	2	436	7 May 1990
		4,955,708	11 Sep 1990	Kahaney	351	44	20 Apr 1989
		4,877,320	31 Oct 1989	Holden	351	44	3 Oct 1988
		4,792,221	20 Dec 1988	Parks et al.	351	120	25 Jan 1988
		4,785,481	22 Nov 1988	Palmer III, et al.	2	436	3 Aug 1987
		D295,533	3 May 1988	Wichers	D16	102	16 Jun 1986
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO/ OR ABSTRACT
		324,973	4 Oct 1902	France			
		321,010	31 Jul 1902	France			
		JP10-192335	28 Jul 1998	Japan			
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
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		4,741,611	3 May 1988	Burns	351	44	27 Jan 1986
		D293,504	5 Jan 1988	Specht et al.	D16	107	7 Jun 1984
		4,707,863	24 Nov 1987	McNeal	2	436	19 Feb 1986
		4,654,899	7 Apr 1987	Harris	2	436	19 Feb 1986
		4,544,245	1 Oct 1985	Stansbury, Jr.	351	120	16 Jul 1979
		4,468,819	4 Sep 1984	Ohno	351	43	9 Sep 1981
		4,414,693	15 Nov 1983	Brody	2	435	4 May 1981
		4,264,987	5 May 1981	Runckel	2	14	1 Aug 1979
		3,591,864	13 Jul 1971	Allsop	2	14	27 May 1969
		3,556,644	19 Jan 1971	Stahl	351	118	5 Dec 1967
		3,419,909	7 Jan 1969	Spain	2	174	16 Aug 1966
		3,377,626	16 Apr 1968	Smith	2	14	1 Apr 1966

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OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

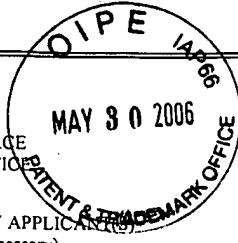
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		2,846,684	12 Aug 1958	Hill	2	14	15 Dec 1952
		2,608,687	2 Sep 1952	Ellis	2	14	2 Jan 1948
		2,526,181	17 Oct 1950	Wilen	2	14	18 Nov 1947
		2,466,048	27 Jul 1948	Kimball	2	14	20 Jul 1945
		2,387,821	30 Oct 1945	Baratelli et al.	2	14	14 Dec 1942
		2,364,584	5 Dec 1944	Malcom	2	14	22 Nov 1941
		2,321,159	8 Jun 1943	Ryan	88	41	8 Jan 1940
		2,026,435	31 Dec 1935	Ratti	2	14	2 Feb 1933
		2,007,186	9 Jul 1935	Farrell	2	14	15 May 1933
		2,002,543	28 May 1935	Meyrowitz	2	14	15 Jan 1930
		1,989,876	5 Feb 1935	Meyrowitz	2	14	23 Mar 1933
		1,936,746	28 Nov 1933	Baker	2	14	18 Oct 1927
FOREIGN PATENT DOCUMENTS							
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		1,853,872	12 Apr 1932	Meyrowitz	2	14	10 Nov 1928
		1,846,679	23 Feb 1932	Fischer			29 Sep 1928
		1,754,694	15 Apr 1930	Neuwirth			28 Jun 1929
		1,741,427	31 Dec 1929	Meyrowitz			10 Mar 1927
		1,720,814	16 Jul 1929	Baker			21 Feb 1928
		1,677,747	17 Jul 1928	Cook			1 Nov 1924
		1,669,229	8 May 1928	Cook			5 Nov 1926
		1,562,350	17 Nov 1925	Luckey			15 Jul 1922
		1,478,818	25 Dec 1923	Cover			13 Feb 1922
		1,433,676	31 Oct 1922	Cover			13 Feb 1922
		1,031,859	9 Jul 1912	Malcom			21 Oct 1907
		12,924	2 Mar 1909	Cover			5 Nov 1908

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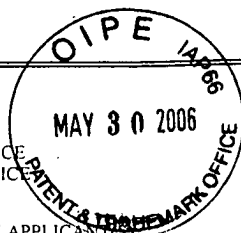
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		2001/0029623	Oct 2001	Tsubooka			
		6,718,561	April 2004	Dondero			
		4,689,838	Sept 1987	Angermann et al.			
		5,027,443	July 1991	Watkins			
		6,098,205	Aug 2000	Schwartz wt al.			
		4,405,212	Sept 1983	Cooper			
		5,191,363	Mar 1993	Smith et al.			
		971,372		Hamilton			
		1,722,602	July 1929	Tillyer et al.			
		2,900,639	Aug 1959	Lindstrom			
		4,149,276	April 1979	Castro			
		4,150,443	April 1979	McNeilly			

FOREIGN PATENT DOCUMENTS

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		4,176,410	Dec 1979	Matthias			
		4,726,075	Feb 1988	Hinrichs			
		4,934,807	June 1990	Bolle et al.			
		5,617,588	April 1997	Canavan et al.			
		5,796,461	Aug 1998	Stepan			
		D372,257	July 1996	Gilleres			

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